

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

KELSEY ALLEN,

Defendant.

8:13CR98

ORDER

This matter is before the court on the motion to continue by defendant Kelsey Allen (Allen) (Filing No. 16). Allen seeks a continuance of the trial of this matter which is scheduled for April 30, 2013. The court heard the motion on April 23, 2013. Allen was present with his counsel, William J. Pfeffer. The United States was represented by Assistant U.S. Attorney Thomas J. Kangior. The government had no objection to the motion. Allen agreed to the motion and stated he understood the additional time granted by the motion would be excluded under the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Allen's motion to continue trial (Filing No. 16) is granted.
2. Trial of this matter is re-scheduled for **June 25, 2013**, before Chief Judge Laurie Smith Camp and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **April 23, 2013, and June 25, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 23rd day of April, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge